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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 ADRIAN TRUJILLO,
15 Defendant.

16 Case No.: 2:22-cr-0204 DAD

17 STIPULATION AND ORDER TO
CONTINUE SENTENCING HEARING AND
MODIFY PRE-SENTENCE
INVESTIGATION REPORT DISCLOSURE
SCHEDULE

18 Court: Hon. Dale A. Drozd
Date: October 1, 2024
Time: 9:30 a.m.

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23 This matter is currently set for a Sentencing Hearing on October 1, 2024. Defendant
24 Adrian Trujillo requests to continue the Sentencing Hearing to October 15, 2024. The request
25 for a continuance is based on the following stipulations between the parties, which constitute
26 good cause for continuance of the Sentencing Hearing:

27 ORDER CONTINUING SENTENCING
HEARING AND MODIFYING
PSR DISCLOSURE SCHEDULE

- 1 1. This Court granted the most recent request for continuance of the Sentencing
2 Hearing, to October 1, 2024, by an Order issued on July 11, 2024. (ECF Entry 126 –
3 hereafter “the Sentencing Order”). The Sentencing Order set out a modified Pre-
4 Sentence Investigation Report (“PSR”) Disclosure Schedule. The PSR Disclosure
5 Schedule in the Sentencing Order set dates consistent with the requirements
6 established by Rule 461 of the Local Rules of Practice for the United States District
7 Court, Eastern District of California (hereafter “L.R.”).
8
9 2. The PSR Disclosure Schedule required the Draft PSR to be disclosed to counsel on or
10 before August 20, 2024. The Probation Department disclosed the Draft PSR ten days
11 late on August 30, 2024. Defense counsel and the Assistant U.S. Attorney assigned
12 to this matter thereafter emailed Informal Requests for Correction to the Draft PSR to
13 the Probation Department on September 11, 2024, and September 12, 2024,
14 respectively. The parties’ informal correction letters were emailed to the Probation
15 Department within fourteen days following disclosure of the Draft PSR as required by
16 the Sentencing Order.
17
18 3. The Probation Department did not release the Final PSR, along with the Probation
19 Department’s Sentencing Recommendation, until September 24, 2024 – two weeks
20 after the Final PSR Disclosure date set in the Sentencing Order and as required by LR
21 461(c) (“Not less than twenty-one (21) days before the date set for the sentencing
22 hearing, the probation officer shall submit the presentence report, including
23 recommendations, to the sentencing Judge and make it available to counsel for the
24 defendant and the Government.”)

27
28 ORDER CONTINUING SENTENCING
HEARING AND MODIFYING
PSR DISCLOSURE SCHEDULE

- 1 4. The Probation Department's late disclosure of the Final PSR included the corrections
2 jointly requested by both parties in their informal correction letters. A Motion for
3 Correction is therefore not anticipated by either party.
4
- 5 5. Adrian Trujillo is presently housed at the Yuba County Jail in Marysville, California.
6 The Yuba County Jail is about forty miles from defense counsel's downtown
7 Sacramento office. Defense counsel, due to the Probation Department's late
8 disclosure, has not had the opportunity to review the Final PSR and sentencing
9 recommendations with Adrian Trujillo.
10
- 11 6. Defense counsel is required to review the PSR with the Defendant by L.R. 461(b).
12 Defense counsel also needs additional time to prepare a Sentencing Memorandum
13 and supporting mitigation materials as allowed by the express terms of the Plea
14 Agreement between the parties.

15 Given the late disclosure of the Final PSR and sentencing recommendations, along with
16 Adrian Trujillo's housing location, defense counsel requires additional time to prepare for the
17 Sentencing Hearing in this matter. It is therefore requested that the Court vacate the Sentencing
18 Hearing on October 1, 2024, and set a Sentencing Hearing on October 15, 2024. The assigned
19 supervising probation officer has confirmed her availability on the requested date. The
20 government does not oppose the request.
21

22 The defense further requests to modify the remaining Pre-Sentence Investigation Report
23 (PSR) Disclosure Schedule as follows:
24

- 25 1. Reply Date: October 8, 2024

26 This request follows a guilty plea so an exclusion of time pursuant to the Speedy Trial
27

28 ORDER CONTINUING SENTENCING
HEARING AND MODIFYING
PSR DISCLOSURE SCHEDULE

1 Act is not required. Assistant U.S. Attorney Robert Abendroth has authorized Todd D. Leras via
2 email to sign this stipulation on his behalf.

3 DATED: September 25, 2024

4 By /s/ Todd D. Leras for
5 ROBERT C. ABENDROTH
6 Assistant United States Attorney

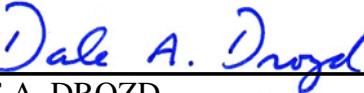
7 DATED: September 25, 2024

8 By /s/ Todd D. Leras
9 TODD D. LERAS
10 Attorney for Defendant
11 ADRIAN TRUJILLO

12 **ORDER**

13 Given the above stipulations between the parties, and good cause appearing to exist, the
14 Sentencing Hearing, currently set for October 1, 2024, is vacated. The Sentencing Hearing in
15 this matter is continued to October 15, 2024, at 9:30 a.m. The partial PSR Disclosure Schedule
16 modification requested by the parties is adopted. The parties acknowledge and understand that
17 no further continuances of the Sentencing Hearing will be entertained absent the existence of
18 good cause.

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21 IT IS SO ORDERED.

22 Dated: September 26, 2024 
23 DALE A. DROZD
24 UNITED STATES DISTRICT JUDGE

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28 ORDER CONTINUING SENTENCING
HEARING AND MODIFYING
PSR DISCLOSURE SCHEDULE